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16 NORTHERN DISTRICT OF CALIFORNIA
17 OAKLAND DIVISION
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19 **IN RE: PETITION OF JENNIFER**) CASE NO. 16-MC-80206 MISC. KAW
20 **GRANICK AND RIANA PFEFFERKORN**)
21) UNITED STATES' OPPOSITION TO
22) PETITIONERS' ADMINISTRATIVE MOTION
23) FOR LEAVE TO FILE SUPPLEMENTAL NOTICE
24) REGARDING MOTION TO UNSEAL DOCKET
25) SHEETS AND PUBLICLY DOCKET COURT
26) RECORDS
27)
28)

1 The United States, by and through its attorney, the United States Attorney for the Northern
2 District of California, respectfully opposes Petitioners' Administrative Motion for Leave to File
3 Supplemental Notice.

4 Petitioners moved to unseal and publicly docket certain court records on January 12, 2017. The
5 United States responded in opposition on February 10, 2017, and Petitioners filed a reply on February
6 22, 2017. On April 17, 2017 this Court ordered the Petitioners in this matter to provide supplemental
7 briefing, and the United States was given the opportunity to respond. The Court ordered that no reply
8 would be filed. Dkt. No. 25. On May 4, 2017, this Court heard arguments, and the matter was
9 submitted for the Court's consideration. Dkt. No. 29.

10 On May 23, 2017, Petitioners' filed the instant administrative motion seeking leave to file a
11 supplemental notice, attaching a selection of court records from In the Matter of the Application of
12 Jason Leopold to Unseal Certain Electronic Surveillance Applications and Orders, Case No. 1:13-mc-
13 00712 (D.D.C. filed Jul. 16, 2013) (hereinafter Leopold). The United States opposes this request for at
14 least two reasons.

15 First, the materials Petitioners now wish to submit predate the hearing in this case. These
16 materials are not new. The Local Rules contemplate supplementary filing in limited circumstances.
17 Pursuant to Civil L.R. 7-3(d), "[b]efore the noticed hearing date, counsel may bring to the Court's
18 attention a relevant judicial opinion published after the date the opposition or reply was filed by filing
19 and serving a Statement of Recent Decision, containing a citation to and providing a copy of the new
20 opinion – without argument." Applying these principles to Petitioners' Administrative Motion for
21 Leave in the instant matter, Petitioners' motion is both untimely, as arguments have already been heard
22 and the case submitted, and improper, as the cited documents predate the hearing in this case.

23 Second, Petitioners' motion is superfluous. Both Petitioners and the United States extensively
24 cited Leopold in the briefing already before this Court. See, e.g., Dkt. No. 27 at 1–2, 4; Dkt. No. 28 at
25 2–3. The Leopold litigation was also discussed during the May 4 hearing. In short, the Leopold docket
26 has already been submitted for the Court.

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CONCLUSION

For the reasons stated herein, the United States respectfully requests that Petitioners' Administrative Motion for Leave to File Supplemental Notice be denied.

DATED: May 23, 2017

Respectfully submitted,

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/s/
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